

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :5651 of 2006

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DATED:20-02-2007

BETWEEN:

Malla Sanjeeva Rao.

..... PETITIONER

AND

The Superintendent of Police,
Visakhapatnam & 2 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in interfering with the civil matters by taking law into their hands, as illegal and arbitrary.

3. Counter has been filed by the 3rd respondent stating that one Smt.Mamidipaka Lakshmi, W/o Manikyalarao, R/o Kakinada has sent a complaint, dated 24-01-2006, through registered post alleging that the petitioner and others damaged the compound wall around the site causing loss of Rs.15,000/- and started making constructions in her site *in spite* of her protest, and the said representation was entered in the general diary on 25-01-2006 and the petitioner was called and enquired and *prima facie* it appeared to be a civil dispute and hence, the complainant was advised to seek the redressal in a competitive Court of law. It is stated that the respondents, except calling for the petitioner and enquiring never called him subsequently as the matter being purely civil in nature, and all the other allegations with regard to the interference in the civil disputes have been denied. It is further stated that no case has been registered or pending against the petitioner and therefore, the question of calling him time and again to the police station does not arise.

4. In view of the facts and circumstances of the case, the Writ

Petition is dismissed with a liberty to the petitioner to take appropriate action in accordance with law as and when his rights are interfered with. No order as to costs.

V.ESWARAIAH,J

20th February, 2007.

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